

Subchapter 3
Licensure of Laboratories Conducting
Analyses of Public Water Supplies
Proposed Changes

GENERAL CHANGES:

General housekeeping - updated citations, addresses, etc

Added “or each interdependent analyte group or method” when language only stated analyte

37.12.301 DEFINITIONS

Changed “Provisional Licensure” to “Conditional Licensure” to be in accordance with EPA guidelines.

Redefined “Provisional Licensure” so that it is in accordance with EPA guidelines.

Added “Interim Licensure” to be in accordance with EPA guidelines.

Added “Proficiency Testing” since it is used interchangeably with Performance Evaluation

37.12.306 STANDARDS, INSPECTIONS AND TESTS REQUIRED FOR LICENSURE

Added language to say Successfully perform analyses on at least two performance evaluation (PE) samples for each analyte or interdependent analyte group and each method each year during the term of its license.

37.12.310 LICENSURE FEES

Changed fees to be commensurate with actual cost of providing the service

Licenses will all be awarded on a Calendar Year – payment due January 1 of each year.

37.12.312 CONDITIONAL LICENSE

Replaced Provisional with Conditional in this section.

37.12.314 RESTRICTION OF LICENSE

Added language that a provisionally licensed laboratory must notify clients of its downgraded status in writing, on any applicable report. DPHHS will notify the Department of Environmental Quality of any laboratories that have been downgraded to provisional status.

37.12.315 REVOCATION OR DENIAL OF LICENSE

Clarified language about what results needed to be reported to DEQ within specified time frames.

Added language about reporting formats acceptable to DEQ.

37.12.320 PROFICIENCY TESTING

Clarified PT acceptance criteria, citing the EPA laboratory certification manual

37.12.324 REQUIRED NOTIFICATION OF CHANGES

Added language that the DPHHS must be notified of changes prior to reporting results of tests used in regulatory compliance.

37.12.336 QUALITY ASSURANCE

Added a time frame to record retention (a period of five (5) years) and that the laboratory may be requested by the department to provide quality assurance data to monitor compliance.

37.12.338 LABORATORY EQUIPMENT AND SUPPLIES

Included reagent water with the distilled and deionized requirements, and removed the specific reagent water section.

37.12.341 REPORTING REQUIREMENTS

Changed the entire language in this section.

(1) The Montana Department of Environmental Quality must be promptly notified, on that day or no later than noon the next working day, of all results from samples collected from a public water supply system and accepted by the laboratory for analysis, that exceeds a maximum contamination level (MCL) or triggers additional actions under ARM Title 17, Chapter 38, subchapter 2. Notice must be reported to the Public Water Supply Section of the Montana DEQ either electronically to dpws@mt.gov or by telephone to (406) 444-1947. The actual sample result must be reported on forms and in formats approved by the DEQ within 48 hours of completion of the analysis. After May 31, 2012, all sample results must be transmitted to the DEQ via "Lab to State" electronic messaging. When a maximum contaminant level as set out in ARM Title 17, Chapter 38, subchapter 2 is found to be exceeded in any sample, the reporting laboratory accepting the sample for analysis from the water supplier must notify the water supplier within 24 hours after the analysis is completed.

(2) Results of all microbiological or chemical samples accepted by the laboratory for analysis, other than those which are defined in ARM 37.12.341 (1), must be reported to the Department of Environmental Quality within five (5) working days after the analysis is completed. The results must be reported on forms and in formats approved by the DEQ. After May 31, 2012, all sample results must be transmitted to the DEQ via the "Lab to State" web application.

37.12.342 REPORTING RESULTS FROM OTHER LABORATORIES

Clarified language that referral laboratories must be licensed in Montana, and the reporting of referral laboratory results.

37.12.345 CRITICAL ELEMENTS FOR CHEMISTRY LABORATORY LICENSURE

Clarified the training requirements for analysts and removed language about specific instrumentation: If responsible for the operation of analytical instrumentation, complete specialized training offered by the manufacturer or another qualified training facility approved by the department, or served a period of apprenticeship under an experienced analyst. The duration of this apprenticeship should be proportional to the sophistication of the instrument. Provide training and experience documentation to the department for approval as part of the laboratory licensure process. A form will be provided by the department for documentation.

37.12.346 CRITICAL ELEMENTS FOR MICROBIOLOGY LABORATORY LICENSURE

Considering a change in the language so that samples greater than 30 hours old will not be acceptable for testing.

Clarified training requirements for analysts:

Must have a minimum of two (2) days of training at the environmental laboratory with a successful evaluation from the state training personnel. Documentation of independent certification or prior experience and training as approved by the department may be substituted for this training.